

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 31-47 are currently pending. Claims 31, 36, and 41-46 have been amended; and Claim 47 has been added by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claim 46 was objected to as containing parentheses; Claims 43-45 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 31-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,151,643 to Cheng et al. (hereinafter “the ‘643 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on April 23, 2008, at which time a proposed amendment to the claims was discussed. At the conclusion of the interview, the Examiner indicated that the proposed amendment would likely overcome the rejection of the claims, pending the Examiner’s further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Applicants respectfully submit that the objection to Claim 46 is rendered moot by the present amendment to Claim 46.

Applicants respectfully submit that the rejection of Claims 43-45 under 35 U.S.C. § 112 is rendered moot by the present amendment to Claims 43-45. Claims 43-45 have been amended to depend from Claim 41. Accordingly, Applicants respectfully submit that the rejection is rendered moot.

Amended Claim 31 is directed to a method of updating a first version of a device driver installed on a computer of a user, the method comprising: (1) receiving, from an office device to which the computer is communicatively coupled, version information of a newest

version of a device driver that is stored in a memory of the office device, wherein both the first version and the newest version of the device driver are configured to control operations of the office device; (2) determining, based on the received version information, whether the first version of the device driver installed on the computer is different from the newest version of the device driver stored in the memory; (3) if the determining step determines that the first version is different from the newest version, inquiring whether the user wants to update the device driver on the computer with the newest version of the device driver; and (4) if the inquiring step determines that the user wants to update the device driver, obtaining the newest version of the device driver from the office device. Claim 31 has been amended to include, in the body of Claim 31, a limitation previously recited in the preamble of Claim 31. Accordingly, no new matter has been added.

The '643 patent is directed to a computer-implemented method of providing information for software residing on a client computer, comprising: (1) maintaining a service provider computer on a network; (2) maintaining, on the service provider computer, a database that contains references to network locations where information relating to software from a plurality of software vendors can be obtained; (3) maintaining on the service provider computer a downloadable application, the application being capable of performing a scan of the client computer to identify one or more software products residing on the client computer; (4) establishing a communication link between the client computer and the service provider computer over the network; (5) downloading the application to the client computer over the communication link; (6) scanning a client computer with the application; (7) as a result of the scan, generating a list of software residing on the client computer for which the service provider has information; and (8) for at least one product on the list, downloading to the client computer at least a portion of the information for that product that is available to the service provider. As shown in Figure 1, the '643 patent discloses a service provider

computer system 102 that is connected to various software vendor computer systems 103, as well as various client computers 101. Thus, the '643 patent discloses that the service provider computer does not store the software updates, but rather stores information about where the software updates can be obtained, e.g., from the software vendor computer systems themselves.

However, Applicants respectfully submit that the '643 patent fails to disclose receiving, from an office device to which the computer is communicatively coupled, version information of a newest version of the device driver that is stored in the memory of the office device, wherein both the first version and the newest version of the device driver are configured to control operations of the office device, as recited in amended Claim 31. Claim 31 requires that the newest version of the device driver be stored in the memory of the office device, wherein the device driver is configured to control operations of the office device to which the computer is communicatively coupled. Thus, in the analogy set forth by the Examiner with regard to the teachings of the '643 patent, a software vendor computer system 103 must store a newest version of a device driver that is configured to control operations of the software vendor computer system. However, Applicants respectfully submit that the '643 patent does not disclose that a client computer uses a device driver to control operations of a software vendor computer system. The software vendor computer system disclosed by the '643 patent is not the office device recited in amended Claim 31 because the '643 patent does not disclose a device driver installed on the client computer that is configured to control operations of a software vendor computer system, wherein a new version of the device driver is stored in a memory of the software vendor computer system, as required by Claim 31. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 31 (and all associated dependent claims) is rendered moot by the present amendment to Claim 31.

Independent Claim 36 is directed to a system for updating the first version of a device driver installed on a computer of a user including means for receiving, from the office device, version information of a newest version of the device driver stored in the memory of the office device, wherein the device driver is configured to control operations of the office device to which the computer is communicatively coupled. Claims 41 and 46 recite similar limitations. As discussed above, the '643 patent fails to disclose this limitation. Accordingly, Applicants respectfully submit that the rejection of Claims 36, 41, and 46 are rendered moot by the present amendment to Claims 36, 41, and 46.

The present amendment also sets forth new dependent Claim 47 for examination on the merits. New Claim 47, which depends from Claim 31, clarifies that the office device is a printer and the device driver is configured to control operations of the printer. New Claim 47 is supported by the originally filed specification and does not add new matter.¹

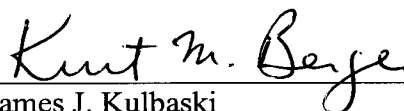
Thus, it is respectfully submitted that independent Claims 31, 36, 41, and 46 (and all associated dependent claims) patentably define over the '643 patent.

¹ See, e.g., Figures 9 and 10 and the discussion related thereto in the specification.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The Application as submitted herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kurt M. Berger", is written over a horizontal line.

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